

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>May 23, 2007</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2007-41-W</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		

SUBJECT:

DOCKET NO. 2007-41-W - Application of Ashley Oaks Water System, Incorporated for Approval of a Transfer of Its Water System to the City of Columbia – Discuss this matter with the Commission.

COMMISSION ACTION:

Mr. Chairman, I move that we give this application expedited review and approve the transfer of the Ashley Oaks water system to the City of Columbia, subject to the conditions as outlined in the contract between the two parties, and to certain additional conditions imposed by the Commission.

In taking this action, the Commission would not take a position on the allegations of Stewart G. Young and Roberta C. Young regarding the ownership and rights to the well and easement located on their property. Although the contract between the City of Columbia and Ashley Oaks appears to exclude the transfer of all existing wells, well sites, storage tanks and water lines extending from the wells and storage tanks to the water system, it also appears to presume Ashley Oaks's ownership of the disputed well, as does the underlying consent order between Ashley Oaks and the Department of Health and Environmental Control. Mr. and Mrs. Young have requested a hearing on their claims, and I believe that they should be entitled to one.

However, it does not appear that the Commission's consideration of the Young's objections should delay the transfer of the water system to the City of Columbia. None of the parties disputes that the transfer is necessary to ensure adequate water service for the customers presently served by the Ashley Oaks Water System. No one disputes that the customers of the water system are presently experiencing hardship as a result of its inadequacies. I do not see a reason as to why a transfer of the system, subject to certain reservations, need prejudice Mr. and Mrs. Young's right to be heard before the Commission at a future date.

I therefore move that the Commission approve the transfer of the Ashley Oaks Water System to the City of Columbia, but that the Commission expressly reserve the right to hear Mr. and Mrs. Young's claim in a separate hearing, in which the parties will each have the opportunity to present testimony and argue their respective positions. The Commission reserves the right to rule on all issues pertaining to this dispute, including the Commission's jurisdiction over the controversy. I further move that the Commission hear Mr. and Mrs. Young's claims on an expedited schedule to be set by its hearing officer.

I also move that the transfer of the system be conditioned on the Commission's reservation of this issue and the City of Columbia's agreement thereto

PRESIDING _____

Session: Regular

Time of Session 2:30 PM

	MOTION	YES	NO	OTHER
CLYBURN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent
FLEMING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent

APPROVED _____
 APPROVED STC 30 DAYS _____
 ACCEPTED FOR FILING _____
 DENIED _____
 AMENDED _____
 TRANSFERRED _____
 SUSPENDED _____
 CANCELED _____
 SET FOR HEARING _____
 ADVISED _____
 CARRIED OVER _____
 RECORDED BY SCHMIEDING

Commissioner Clyburn was on Annual Leave

Commissioner Howard was on Sick Leave

Commissioner Wright was attending the Nevada Technical Information Workshop III on Yucca Mountain in Las Vegas, Nevada